

Municipal Police Training Committee

Monthly Meeting Minutes

Boston Police Academy

June 20, 2018

Call to Order

At 9:40M, Chairman Jim Hicks called the monthly meeting of the Municipal Police Training Committee to order and greeted all present.

Attendees: Voting Members

Chairman Jim Hicks – Northeast Mass; Chief Brian Kyes- Mass Chiefs; Commandant Michael Baxter – State Police; Captain Richard Sexton –Boston Police; Chief Scott Livingstone – Western Mass; and Jim O'Brien – AGO.

Attendees: Advisory

Angela Davis –OGR, Donna DaVeiga- Mass DOT Jeffrey Scott –Parole.

MPTC Staff

Dori-Ann Ference, Dan May, Marylou Powers, Lara Thomas, Dan Zivkovich and Sheila Gallagher.

Guests

Andrea Brown, Tom Fleming, Jerry O'Rourke, Peter Roddy and Jason Shea.

Review/Approval of Minutes

A motion was made to approve the minutes of the May 16, 2018, meeting. The motion was seconded and passed by unanimous voice. Chief Livingstone abstained.

Police Standards and Training

The following requests were presented and approved by the Committee:

Temporary Waivers:

John Mullen	New Marlboro, PD
Mark Sawyer	Barre, PD
Jaime Williams	Northampton, PD

A motion was made to approve the three (3) temporary waivers as presented. There was a second and the motion passed by unanimous voice. There was no further discussion.

Permanent Exemptions

Jamie Calise	Truro, PD
Joshua Graciale	Reading, PD

A motion was made to approve the two (2) permanent exemptions as presented. There was a second and the motion passed by unanimous voice. There was no further discussion.

Disciplinary Hearings

There were two (2) disciplinary hearings that were held after the May Committee meeting. The first disciplinary hearing addressed a class 1 violation for a student officer's unexcused absence from the NECC academy. The second hearing involved a Class 1 violation for a student officer's dishonesty while attending the SPMA academy.

NECC Disciplinary Hearing

The first incident involved student officer Allisha LaBonte who attended the recruit academy at Northern Essex Community College. The student officer was dismissed for an unexcused absence and was facing a two (2) year ban from attending a MPTC academy. The student officer relayed that her husband was involved in a motorcycle accident and he lost a toe. Apparently, the student officer's husband had to return to the hospital due to complications. The student officer told two (2) student officers she would miss a day of the academy due to her husband's accident and she also emailed the academy. Academy rules require that student officers follow a specific, notification procedure which includes notifying academy staff and the sponsoring department. Sending an emailing to the academy is insufficient under academy rules. AAG O'Brien told the Committee that the student officer had a valid reason and therefore her absence did not rise to the level of a Class 1 offense. The Standards Subcommittee upheld a Class 2 violation for the student officer's failure to properly notify academy staff of her absence. If the student officer does reapply, the Class 2 violation will follow her into the next academy.

SPMA 8 Discipline Hearing

The second incident involved student officer Ryan Strianese attending the recruit academy at SPMA. The student officer was dismissed for a Class 1 violation for dishonesty. Apparently, the student officer lied about using soap while showering. Apart from the verbal lie, the student officer did not disclose in three (3), separate documents what actually happened. The Standards Committee upheld a Class 1 violation for the student officer's dishonesty and he will face a two (2) year ban from attending another academy. The student officer was from Shirley and he represented himself at the hearing without an attorney.

Open Discussion:

There were no items for open discussion.

Executive Director's Report

Recruit Officer Training Updates

Boston: Boston Police is planning for a class of 130 student officers to start after Thanksgiving.

Boylston: No academy dates scheduled at this time.

Lowell: Academy started on May 21, 2018, and 56 student officers remain.

NECC: The next academy class of 80 recruits began on April 2, 2018. The class was separated into two (2) classes of 40 recruits. Graduation is scheduled for September 21, 2018.

Plymouth: A class of 51 student officers is scheduled to graduate on July 2, 2018, and the next class is scheduled for September 10, 2018.

Randolph: 47 student officers graduated on June 7 from the first class to pilot the new recruit curriculum. The next class will begin on July 30, 2018, and will be the second delivery of the new curriculum.

Reading: A class of 49 student officers began on June 4, 2018.

SPMA 8 The 8th SPMA currently has 82 student officers. The class is scheduled to graduate on September 14, 2018.

Springfield: 46 student officers in a class that began on May 7, 2018. The tentative graduation date is November 1, 2018.

Transit: 44 student officers in training. Graduation is scheduled for September 5, 2018.

WMASS: 43 student officers in training and graduation is expected on August 3, 2018. The next class is scheduled for October 15, 2018.

Worcester: Worcester anticipates a class of 44 (40 Worcester candidates) in September. There will be four (4) spots for outside agencies.

ED Zivkovich discussed a 2009 study of police training performed by UMass-Lowell that Chairman Hicks had brought to his attention. ED Zivkovich said the study included thirteen recommendations, and he offered them to the Committee as a benchmark for gauging the state's and MPTC's progress towards meeting those goals, despite not knowing the study existed:

1. Institute a more active, centralized oversight and coordination of academies.
2. Formalize criteria for instructor evaluation to ensure that they deliver the expected material for the module in an effective manner.
3. Develop appropriate outcome measures.
4. Distinguish between practices that relate to officer discipline, officer demeanor and officer ability to respond to stress.
5. Develop shared overarching goals for recruit training.
6. Identify and standardize core curriculum content and lesson plans.
7. Identify curriculum modules that involve "special topics" that would be taught above and beyond core modules, and could be customized for individual academy needs.
8. Regularly update curriculum content to reflect new content or legislative mandates.
9. Determine pre-academy standards for recruits.
10. Link knowledge-based learning with skill development.
11. Increase time for applied-learning exercises.
12. Harness the potential to "front load" some content knowledge to free up time for practical exercises.
13. Share resources among academies.

Old Business

Firearms Training Standard

About five (5) years ago, the Committee adopted, a statewide standard only for handguns. ED Zivkovich asked whether the Committee wants to adopt a statewide standard for any, additional weapons an officer may carry. ED Zivkovich added that if the Committee chooses to adopt this standard it would not be implemented for at least six (6) months out. Chief Hicks commented that he was concerned about the cost of the ammunition. He also recommended that the policy should specify the number of rounds for proficiency with specific weapons.

Chief Kyes said that the requirement should be amended to include electronic control weapons (ECWs). ED Zivkovich stated that ECWs are already covered by state statute and a CMR promulgated by EOPSS. Chief Kyes suggested to include a notation to that effect in the firearms policy.

There was some discussion as to whether if there is any liability if the police qualify with lead-free ammunition. The state police were pushing for lead free ammunition because they utilize an indoor firearms range and the cost of replacing the air filters is expensive. Chief Hicks asked whether there was a motion related to adopting the new requirements. A motion was made to adopt the recommendations for training and qualification with the addition of the statement regarding ECWs and a list of the rounds required for each of the proficiency courses and with an effective date of July 1, 2019. The motion was seconded and passed by unanimous voice.

There was some discussion about increasing the number of hours for firearms training for reserves to match the standard required in fulltime police academy training. Right now, any reserve carrying a firearm must complete a 20-hour program and pass the MPTC proficiency course. The Committee agreed that a uniform training requirement was ideal, but this change does not require a Committee vote.

Miscellaneous

ED Zivkovich announced that the Plymouth Police Academy was on Channel 5 for participating in the Sean Gannon run to remember. Also, a student officer from the Reading Academy received a first responder award for life saving efforts. Three (3), staff members from the Plymouth Police Academy, Joanne Heres, Alison Taylor and Director Eileen Goodick received civilian achievement awards from Massachusetts Association of Women in Law Enforcement (MAWLE).

Update on Recruit Curriculum Project

ED Zivkovich announced that the pilot program graduated from the Randolph Academy on June 7, 2018. The orientation for the second pilot is scheduled for the following week and graduation is expected before Christmas. Director Lara Thomas was present to provide the Committee with some statistics related to the academy. With regard to testing, the overall average was 86 which is lower than prior academies. There was one dismissal for failing a retest. However, the overall GPA for the class was 92.5.

Aside from the testing issue Director Thomas mentioned that many of the student officers realized that they had retained more information than they thought when they began applied patrol procedures. There were also some instructor issues where a few instructors deviated from the lesson plan. Director Thomas will speak with the instructors prior to the start of the next academy. AAG O'Brien asked whether there was a plan to survey the chiefs and instructors for the FTO program to see how the student officers from this academy are managing after graduation. ED Zivkovich advised that a formal survey would be conducted about six months from the graduation date. He also stated that Director Thomas had convened a briefing for the chiefs and FTOs of agencies who had students enrolled in her pilot class. The chiefs and FTOs were encouraged not to wait for a formal survey instrument if they noticed training deficiencies and/or to report the successes of the new officers. That way the training in the second pilot could be adjusted, if needed.

There was further discussion about what changes Director Thomas would implement in the second pilot academy. Director Thomas mentioned that she will downplay the fact that this is a second pilot program and she hopes at some point to move all the testing online. Chief Hicks asked whether the length of the academy had changed. Despite the big difference in curriculum hours (920 versus 720), the pilot program was only a couple of weeks less than the 920-hour curriculum due to the increase in roleplaying scenarios and the size of the class. There was some more discussion about training instructors about the bones of the new curriculum. Force Concepts will be around when the curriculum is rolled out statewide.

New Database

ED Zivkovich stated three (300) departments that have received login information. There are some departments that have no contact information.

Budget

ED Zivkovich reported that the FY 2018 budget is balanced.

In-service

Dori Ference told the Committee that Department of Mental Health is reviewing the police interaction curriculum. The remainder of in-service is almost complete.

Funding

Chief Hicks added that the funding is at status quo. The two (2) dollar rental car fee was voted unanimously in the Senate and a 145-5 vote in the House. However, the two versions are not in the same bill, and it is unclear if the Governor will sign. The projection for money potentially collected if the rental fee passes is estimated at eight (8) million dollars.

New Business

Physical Fitness Standards

Chief Hicks mentioned that he, Chief Kyes, and ED Zivkovich met with HRD to discuss options if there was no funding for the PAT. It cost \$500k to administer the PAT for police, and there are some concerns what the future is for the PAT because the funding was stripped from the FY19 budget bills. Chief Hicks told the Committee that it may have to consider developing a fitness assessment. The Committee adjourned to watch a presentation that Jason Shea developed related to this issue.

Statewide Coordinator Jason Shea presented to the committee a number of statistics that were derived from twenty two recruit academy classes. There were a number of questions related to validating the proposed fitness standards that Jason Shea had presented. Chief Kyes asked what the logistics would be for conducting the entrance standards for fitness. After some discussion, it was agreed that prospective student officers would have to complete the assessment prior to Orientation and prior to being admitted into a recruit class. Commandant Baxter mentioned that the benefit of using the Cooper Norms and designating a percentage of these standards are that they are published and widely recognized.

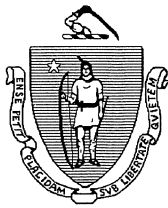
A motion was made to direct academy staff to provide input for proposed entry-level fitness standards. The motion was seconded and passed by unanimous voice.

Next Meeting

The next meeting is scheduled for **Wednesday, July 18, 2018**, at the **State Police Academy**.

Adjournment

A motion was made at 12:20 PM, to adjourn the meeting. The motion was seconded and passed by unanimous voice. .



Commonwealth of Massachusetts
Municipal Police Training Committee
“Training for Today, Planning for the Future”



Firearms Standards for Training and Qualification

Minimum State Standard:

The minimum standards included herein are required of all sworn municipal, University of Massachusetts, and environmental police officers in the Commonwealth, whether fulltime, reserve, or intermittent. These standards are divided into two sections: *Qualification* and *Training*. Qualification under these standards is intended to document existing marksmanship proficiency and safe firearms handling skills. Training is intended to improve the officer's marksmanship, reaction, and decision-making skills under stress in a variety of potential shooting situations, as well as to enhance officer safety and safety of the public. The standards listed are minimum standards only. Nothing herein should be construed as recommending adherence to only to the minimum standards or as restricting agencies in any way from exceeding them.

The maximum interval between training sessions shall not exceed six months. These minimum standards shall include all weapon systems that a department authorizes and deploys, to include:

- Semiautomatic pistols
- Revolvers
- Patrol rifles
- Shotguns
- Less-lethal systems

Example 1: If a department only authorizes duty pistols, then all that is required is to adhere to the standard regarding the duty pistol.

Example 2: If a department authorizes and/or deploys a duty pistol, patrol rifle, shotguns, and backup weapon, then the department is required to adhere to the state standards for all four weapon systems.

Electronic control weapon training requirements (i.e. TASERs) are governed by 501 CMR 8.00.

Annual Qualifications:

1. Each officer shall successfully complete the MPTC Basic Qualification Course for each weapon at least once per year with:
 - a. A minimum score of 80% and
 - b. 100% round accountability. (See below for illustration of MPTC target.)
2. While duty ammunition is not required for the qualification course, the caliber used for qualification shall be identical to that used for duty ammunition.
3. The target used for qualification shall be the standard MPTC-approved target. (See below for approved targets.)
4. The number of rounds needed for each weapon system is as follows:

Semiautomatic pistols = 50	Revolvers = 50	Patrol rifles = 50
Shotguns = 25	Less-lethal shotgun = 8	Less-lethal 40mm = 6

Annual Training:

1. Officers shall receive instruction in and review legal issues and department policy regarding use of force and the safe handling and storage of firearms, including deployment from and storage into the locking devices in cruisers. These may be done:
 - a. At the time of qualification,
 - b. During range training, or
 - c. On a separate date and time.
2. Each officer shall complete two, separate training sessions in the use of all weapon systems a department deploys within each twelve (12) month period, but not to exceed six (6) month intervals.
3. In *addition* to the annual qualification requirement, at a minimum, each officer shall discharge
 - a. At least fifty (50) live-fire rounds for training.
 - b. The intent is for these additional rounds to be expended in multiple firearms training sessions.
 - c. The requirement to fire fifty (50) live-fire rounds will apply to the following weapon systems:
 - i. Semiautomatic pistol
 - ii. Revolver
 - iii. Patrol rifle
4. Additional rounds for the shotgun will be twenty-five (25) rounds, unless solely used as a less-lethal system.
5. Additional rounds for less-lethal systems will be two (2) rounds.
6. Each training session shall be realistic in nature and should include, but not be limited to, the following:
 - a. Judgmental shooting,
 - b. Reduced light
 - c. Multiple target drills or scenarios,
 - d. Shooting at moving targets and shooting while moving
 - e. Sympathetic fire drills
7. Training should enhance skill diversity by varying the live fire drills from session to session. Instructors should build upon the drills conducted in previous sessions.
8. Training should be scenario-based wherever practical and incorporate the use of:
 - a. Cover,
 - b. Shooting from a variety of positions, and
 - c. Use of both sighted and point shooting techniques.
9. Any target may be used for training purposes; in addition, the use of steel or reactive targets is encouraged where practical.

10. In addition to the live-fire requirements, skill-building drills may include;
 - a. Firearms simulators (such as MILO or FATS)
 - b. Simunition weapons
 - c. Airsoft/plastic rounds
 - d. Red/blue guns.
11. Departments shall use MPTC-Certified Level I Firearms Instructors or higher when conducting the MPTC qualification and training courses.

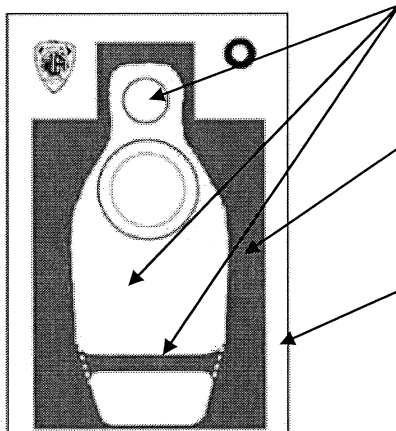
Approved MPTC Qualification Targets:

- Q type Targets
- Reduced Q type targets for range trailer
- Q-P Targets

MPTC Scoring Criteria:

- *Applies to all MPTC qualifications*
- *Courses of fire on IALEFI Q(P) target*

IALEFI-QP



Rounds in white scoring area, including the gray area between the upper “Q” and the pelvic girdle, score two (2) points each.

Rounds in “gray torso” are hits but score no points. (Instructors)

Rounds outside gray torso are considered missed rounds for scoring purposes but are included as part of the 100% Round Accountability (In-Service Firearms).

However, they are considered misses for MPTC Firearms Instructors.

100 % Round Accountability Scoring Criteria:

Non-Instructors/In-service: All fifty (50) rounds must be accounted for on the target/paper.

Instructors: All fifty (50) rounds must strike within the gray torso outline. Rounds outside torso are misses, even if they are on the target/paper.

General Principles of Firearms Training

1. Notwithstanding the potential for "failure to train" lawsuits under 42 U.S.C. 1983, or lawsuits for "employee negligence" under the Massachusetts Tort Claims Act (M.G.L. c. 258), the design and implementation of firearms training programs should not be motivated by the sole purpose of avoiding legal liability.
2. Firearms training should be designed to prepare officers to protect themselves and their communities from dangerous individuals, when necessary. To attain that objective, the program should logically take into consideration the nature and conditions of the job and should be tailored accordingly.
3. That said, the primary liability issues involving firearms training involve failure to train (which includes the nature of the training), failure to supervise training (which includes documentation), proficiency testing, and policies.

Selected Negligent Training Cases

City of Canton, Ohio v. Harris, 109 S.Ct. 1197 U.S. Ohio, 1989 (deliberate indifference standard established)

Zuchel v. City and County of Denver 997 F. 2d 730 10th Circuit Court (inadequate training program)

Popow v. City of Margate 476 F. Supp. 1237 D.N.J. 1979 (inadequate training in absence of moving targets and low-light training)

Vickowski v. Hukowicz, 201 F.Supp.2d 195 D. Mass., 2002 (outlines legal test/questions for establishing a failure-to-train tort)

Armstrong v. Lamy, 938 F.Supp. 1018 D. Mass., 1996 (Pattern of behavior in violation of constitutional standard need not be shown if need for more or different training is so obvious and inadequacy so likely to result in violation of constitutional rights that policymakers of municipality can reasonably be said to have been deliberately indifferent to need.)

These cases only provide a very cursory overview of litigation involving firearms training. For a more extensive list of relevant cases, please contact the MPTC or your legal advisor.